

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,) Case No.: 18-CR-29
vs.)
MATTHEW JAMES HOWARD,) DEFENDANT'S SENTENCING
Defendant.) MEMORANDUM

Matthew James Howard, through counsel, hereby submits the following sentencing memorandum for the sentencing set at 10:30 a.m. on January 10, 2019.

I. Witnesses

Mr. Howard does not anticipate calling any witnesses at the sentencing hearing.

II. Exhibits

Mr. Howard will be moving to submit the following exhibit at sentencing:

A. Neuropsychological Evaluation of Mr. Howard by Dr. Douglas Whiteside

III. Issues

There are no disputed issues to be resolved at the sentencing hearing. The U.S. Probation Office noted that the issue of whether there are three groups or six groups for purposes of determining a combined offense level is unresolved. However, this issue does not affect Mr. Howard's sentencing guidelines calculation because neither party is disputing that Mr. Howard is a career offender. PSR ¶ 63. Mr. Howard will be asking this Court to sentence him to 77 months in prison, the bottom of his guidelines range. PSR ¶ 165. This request is based on Mr. Howard's extensive mental health history (Defendant's Exhibit A; PSR ¶¶ 112-130), the

unsophisticated nature of his conduct, the fact that he was in prison at the time he wrote the threatening letters and thus, he was incapable of acting on the threats, and the fact that Mr. Howard's impulsivity is treatable through structured, behaviorally-based psychotherapy (Defendant's Exhibit A, p. 11).

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CERTIFICATE OF SERVICE
I hereby certify that on January 4, 2019, I electronically filed this document with the Clerk of Court using the ECF system which will serve it on the appropriate parties.

By: /s/ Carrie Maas